

GENERAL HOWARD AND GENERAL
PARTRIDGE

Mr. VINSON. Mr. Speaker, I ask unanimous consent that the bill (S. 1271, Private Calendar No. 890) to authorize the appointment in a civilian position in the Department of Justice of Brig. Gen. Edwin B. Howard, United States Army, retired, and for other purposes, and the bill (S. 1272, Private Calendar No. 891) to authorize the appointment in a civilian position in the Department of Justice of Maj. Gen. Frank H. Partridge, United States Army, retired, and for other purposes, may be passed over without prejudice, due to the fact that rules have been granted on these bills and will be called up tomorrow morning.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

(Mr. METCALF asked and was given permission to extend his remarks at this point in the Record.)

Mr. METCALF. Mr. Speaker, in addition to presenting Mr. MOLLOHAN's views today, I wish to record my opposition to the appointments of Maj. Gen. Frank H. Partridge and Brig. Gen. Edwin B. Howard to civilian positions in the Immigration and Naturalization Service.

I believe the Immigration and Naturalization Service is essentially a civilian function, one calling for humane administration by persons trained in the particular service or in similar civilian positions. I believe it should remain a civilian function, administered by civilians.

Already we have a general in the first echelon of the Immigration and Naturalization Service. Already we have a general in the second echelon. Now it is proposed that we put two generals in the third echelon. It seems to me that civilians should show up in here somewhere.

May I make it clear that I am not objecting to these men on a personal basis. I simply believe that this instance is one in which the wisdom of an earlier Congress is demonstrated. I speak of the Congress which enacted the law barring retired officers, except those with combat-connected disability, from Federal civilian employment paying \$2,500 or more per year.

Despite this, we have many generals and admirals in civilian government positions right now. I question whether many more are needed at this time. A list I have today shows 38 generals and admirals now in the Federal Government. The list was compiled from departmental listings in the Congressional Directory for 1955. It does not include generals holding positions in the selective service, and the Departments of the Army, Navy, and Air Force below the Secretary, Under Secretary, or Assistant Secretary level. Other source material includes Who's Who in America, a December 3, 1955, report of the Library of

Congress, newspaper articles, and Naval and Military Academy registers.

This is the list:

Eisenhower, Dwight D.: General of the Army (U. S. Army, retired), President of the United States.

Vogel, Herbert D.: Brigadier general (U. S. Army, retired), Chairman, Board of Directors, Tennessee Valley Authority.

Smith, Walter Bedell: General (U. S. Army, retired), Commissioner, National Security Training Commission, formerly Under Secretary of State.

Kinkaid, Thomas C.: Admiral (U. S. Navy, retired), Commissioner, National Security Training Commission; Commissioner, American Battle Monuments Commission.

Adler, Julius Ochs: Major general (U. S. Army Reserve, retired), Chairman, National Security Training Commission.

Delaney, Walter S.: Admiral, Deputy Director for Mutual Defense Assistance Control, FOA.

Riley, William E.: Lieutenant general (U. S. Marine Corps, retired), Deputy Director for Management, FOA.

Edgerton, Glen E.: Major general (U. S. Army, retired), President and Chairman, Export-Import Bank of Washington, now retiring.

Seybold, John: States: Brigadier general (U. S. Army, retired), appointed Governor of the Panama Canal Zone, 1952.

Nichols, Kenneth D.: Major general (U. S. Army, retired), General Manager of Atomic Energy Commission.

Milton, Hugh M., II: Brigadier general (U. S. Army, retired), Assistant Secretary to the Army (Manpower and Reserve Forces). He has been in the Department of the Army since 1951.

Loper, Herbert B.: Brigadier General (U. S. Army, retired), Assistant to the Secretary of Defense (Atomic Energy).

Berry, Frank B.: Brigadier general (U. S. Army, retired, medical career), Assistant Secretary of Defense (Health and Medical).

McNeill, W. J.: Rear admiral (U. S. Navy, retired), Assistant Secretary of Defense (Comptroller) in the Department of Defense since 1947.

Erskine, G. B.: General, (U. S. Marine Corps, retired), Director of Special Operations, Department of Defense.

Babcock, C. Stanton: Brigadier general (U. S. Army, retired), counselor to United States Mission to the United Nations.

Craig, Howard A.: Lieutenant general (U. S. Air Force, retired), Chairman, Inter-American Defense Board.

Willard S. Paul: Lieutenant general (U. S. Army, retired), Assistant to the Director of Defense Mobilization for Plans and Readiness.

Cabell, C. P.: Lieutenant general (U. S. Air Force, retired), Deputy Director of CIA.

Peterson, Wilton B.: Major general (U. S. Army, retired), Deputy Assistant to the President.

Strauss, Lewis L.: Rear admiral (U. S. Navy, retired), Chairman, Atomic Energy Commission.

Cutler, Robert: Brigadier general (U. S. Army, retired), Special Assistant to the President for Security Affairs.

Swing, Joseph M.: Lieutenant general (U. S. Army, retired), Chairman, United States Commission of Immigration and Naturalization.

Ageton, A.: Rear admiral (U. S. Navy, retired), Ambassador to Paraguay.

Byroade, Henry A.: Brigadier general (U. S. Army, retired), Ambassador to Egypt.

Clark, Mark: General (U. S. Army, retired), headed Hoover Commission Study of Intelligence Agencies.

Spruance, Raymond A.: Admiral (U. S. Navy, retired), Ambassador to the Philippines.

Boone, Joel T.: Vice admiral (U. S. Navy, retired) (Marine Corps), Chief, Medical Director, Veterans' Administration.

Cook, Everett R.: Brigadier general (U. S. Air Force Reserve, retired), member, Rubber Producing Facilities Disposal Commission.

Davis, Benjamin O.: Brigadier general (U. S. Army, retired), Commissioner, American Battle Monuments Commission.

Doolittle, James H.: Lieutenant general (U. S. Air Force Reserve, retired), member, National Advisory Committee for Aeronautics.

Marshall, George C.: General of the Army (U. S. Army, retired), Chairman, American Battle Monuments Commission.

McNeill, E. C.: Brigadier general (U. S. Army, retired), Special Assistant to the Assistant Secretary of the Army (Manpower and Reserve Forces).

Mudge, Verne D.: Major general (U. S. Army, retired), professional staff, Senate Committee on Armed Services.

North, Thomas: Brigadier general (U. S. Army, retired), Secretary, American Battle Monuments Commission.

Paul, W. S.: Lieutenant general (U. S. Army, retired), Assistant to the Director for Non-Military Defense, Office of Defense Mobilization.

Spaatz, Carl: General (U. S. Air Force, retired), Commissioner, American Battle Monuments Commission.

Vandegrift, Alexander A.: General (U. S. Marine Corps, retired), Commissioner, American Battle Monuments Commission.

(Mr. MOLLOHAN (at the request of Mr. METCALF) was given permission to extend his remarks at this point in the Record.)

Mr. MOLLOHAN. Mr. Speaker, my many colleagues who are members of the legal profession will appreciate that one who seeks equitable relief must do so with clean hands.

In a very real sense, these bills to exempt two retired generals from the statutory, dual position prohibition, are for equitable relief. If the basic legal proposition which I have cited has any validity, it should be invoked to bar passage of this legislation.

One of these bills—for General Partridge—was originally introduced in the 83d Congress. During the 84th Congress, and the two bills now under consideration, were introduced, and in June, 1955, appeared on the consent calendar, at which time they were objected to. On August 1, these bills again appeared on the consent calendar and were, at that time, recommitted. The bills were again reported from the Armed Services Committee on February 8, but on February 29—only 3 weeks ago—the Rules Committee refused a rule on the bills. On March 9, according to an Associated Press wire report, the President personally intervened and requested the minority leader to influence action on the bills. Thereupon, on March 8, a hastily convened Rules Committee overruled its action of February 29, resulting in our consideration of this legislation at this moment.

In view of repeated congressional rejection of this legislation, the question naturally suggests itself: What is the compelling reason for the persistence of the administration, first through the Attorney General, then by the Commissioner of Immigration, and now by the President himself, to secure their pas-

sage? I am sure that history will offer few precedents of personal intervention by the Chief Executive to press for the appointment of secondary officials in a Government agency. What is so unique about the qualifications of these two generals that makes their appointment, as Assistant Commissioners of Immigration and Naturalization, so vital? What is the reason that the executive branch is lavishing all of its attention on two obscure retired generals, who, by no stretch of the imagination, are in such dire economic straits as to be in urgent need of employment?

I have received no answers to any of these questions. If the Chief Executive had centered as much attention on the problems of surplus-labor areas or falling farm prices, or to our lagging guided missile program, I am sure that it would have far more effectively promoted the general welfare and our national defense.

In my capacity as chairman of the Legal and Monetary Affairs Subcommittee of the Government Operations Committee, I have had more than just casual familiarity with the situation involving these two retired generals.

As I indicated previously, the bills would exempt them from the prohibition against holding two Government positions. The first evasion of this statutory prohibition came in 1954 when they were hired by the Immigration Service as consultants. I use the term "evasion," for, although consultants are prohibited from acting in anything but an advisory capacity, under General Swing, these two generals served in regular executive capacities. This was established by an audit of their duties performed, at my request, by the Civil Service Commission. Chairman Young advised me that these generals were, in fact, acting beyond their advisory capacity and that:

It is clearly evident that operating responsibilities, normally assigned to regular executive positions within the organization, constituted a significant portion of the total responsibilities assigned in each case.

In addition, the Comptroller General found that as so-called consultants, these generals were being paid at a rate in excess of that permitted by law—Public Law 600, title 5, United States Code, chapter 55a.

Let me point out that the two positions which these generals would occupy have now been vacant for almost a year and a half. During about half that time, while Federal laws were being flouted, as I have indicated, Generals Partridge and Howard were presumably performing the duties of these positions, although nominally consultants.

If these bills are passed, the Immigration Service will become a home for retired generals who will then occupy 3 of the top 5 positions of the Service.

General Swing, the Commissioner of Immigration and Naturalization, has stated that he is unable to find any replacements capable of filling these positions. Think of it—a civilian agency of long standing, charged with execution of our immigration laws, and General Swing cannot find any qualified civilians within or outside of government to as-

sist in the administration of his agency. This is sheer nonsense.

However, it does shed light on how the present Commissioner thinks and operates. We are not discussing an infantry division. We are talking about the Immigration and Naturalization Service, long established and traditionally civilian. But General Swing apparently has some perverse notions concerning the mission of his agency.

In hearings before my subcommittee, although admitting that immigration during wartime would be nil, General Swing stated that "the land borders of this country are my responsibility" and particularly so in time of war. I have not been advised that the Immigration and Naturalization Service has been made an adjunct of the Armed Forces—or for that matter, that the friendly nations of our borders, Canada, and Mexico, are ever likely to plan an attack.

Another curious military development in the service is plan A, signed by General Patridge as Special Assistant to the Commissioner, a title customarily reserved for operating and not advisory personnel. Plan A, I am told, calls for the recruitment of some 8,600 volunteer patrol inspectors, the purchase of jeeps, airplanes, trucks, arms, setting up of demolition squads to blow up bridges and roads leading into the country from Canada, and contemplates persuasion to participate in the plan of the State highway patrols and National Guard. How many armies are we supporting? It never has been the function of the Immigration Service to act as an auxiliary of our Armed Forces.

My attempts to obtain more information about plan A have met with the customary rebuff—by the convenient iron curtain which the present administration has lowered between Congress and the executive branch of the Government—that this is classified information.

The militarizing of the Immigration Service suggests a most fundamental problem. It may be an indication that by administrative fiat, and without congressional authority, the functions of the Immigration Service are being diverted from the purposes intended and specified by Congress. If such is the case, Congress is entitled to know about it, and, to date, General Swing has refused to so inform the members of my subcommittee. If it is not the case, then the military talents of two retired generals are of no special value to the Immigration Service.

While responsibility for the execution of the immigration and naturalization laws may entail some tasks which resemble police duties, by no stretch of the imagination do they encompass military duties. And while I do not for one moment wish to deprecate men who have dedicated their lives to the military service, I say to my colleagues that the last place in the world for retired military officers is the Immigration and Naturalization Service.

On four different occasions the House has rejected this legislation. To enact these bills would condone the evasion and flouting of Federal laws by the Service.

I think we should remind the President that in this democracy, although retired generals may be of real value to companies engaged in Government procurement, they have no place in the Immigration Service.

I ask your support in my opposition to these bills.